

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOE HOLCOMBE, ET AL, .  
PLAINTIFFS, .  
vs. . DOCKET NO. 5:18-CV-555-XR  
UNITED STATES OF AMERICA, .  
DEFENDANT. .

TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE  
JULY 30, 2021

APPEARANCES:  
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UNITED STATES DISTRICT COURT  
SAN ANTONIO, TEXAS

1           (San Antonio, Texas; July 30, 2021, via Zoom  
2           videoconference.)

3           THE COURT: Good morning.

4           Miss Fernandez, as you probably well know, the  
5           building is experiencing connectivity issues again so I can't  
6           get email messages from you.

7           Do we have everybody online?

8           THE DEPUTY CLERK: Yes, Judge.

9           THE COURT: And so I don't see Gigi. Is she there?

10          THE DEPUTY CLERK: She's online.

11          THE COURT: Okay. Thank you.

12          Let's go ahead and call 18 civil 555, the  
13          consolidated matters as well, Holcombe versus United States.

14          Who do we have speaking primarily for the plaintiffs'  
15          group?

16          MR. ALSAFFAR: Morning, Your Honor, Jamal Alsaffar  
17          for the plaintiffs?

18          THE COURT: Thank you.

19          And for the government?

20          MR. DINGIVAN: Good morning, Your Honor, James  
21          Dingivan here on behalf of defendant.

22          THE COURT: Thank you. So I had asked for an  
23          advisory from you-all about how we should proceed. Thank you  
24          for the advisory. It wasn't as helpful as I was hoping.

25          From what I got from the plaintiffs' group is you-all

1 just want trial and let's set aside 30 days and just go at it  
2 with no indication of just what the order should be.

3 The government was a little more helpful saying,  
4 well, we ought to do this by family groups or something a  
5 little more organized, but didn't suggest family groups to me.

6 So I'm not sure where we should begin. I guess, let  
7 me get an understanding of how you-all intend to try the  
8 damage phases.

9 So from the government's -- well, let me start with  
10 the plaintiffs. Is there going to be, again, a lead  
11 plaintiffs' group for the damages phase, or are you going to  
12 revert back to all the attorneys of record for the individual  
13 cases, Mr. Alsaffar?

14 MR. ALSAFFAR: Yeah. Thank you, Your Honor.

15 You know, the plan is, because, I mean, we're  
16 still -- my firm is still going to be lead counsel and  
17 obviously represent our clients in the damage phase and help  
18 organize everything on the plaintiffs' side and perhaps help  
19 on some others, but, yes, we, you know, we think it's best for  
20 the individual attorneys who represent certain families and  
21 have those relationships to present those witnesses that we  
22 ultimately decide on presenting live.

23 So that's the intention, Your Honor.

24 THE COURT: Okay. And then the government's defense  
25 team, is it going to be the DOJ lawyers, or is it going to be

1 the U.S. Attorney's Office here in San Antonio?

2 MR. DINGIVAN: Your Honor, it's going to be a little  
3 bit of a mix of both. It would be -- the U.S. Attorney's  
4 Office has been primarily responsible for the damages phase,  
5 although the intent at this point is to have Ms. Krieger come  
6 down and join us once again.

7 THE COURT: Okay. So that helps a little bit.

8 The other thing we need to figure out here is as we  
9 go forward, well, how many people may be in a room, because  
10 regrettably as of yesterday we've gone back into masking  
11 requirements.

12 The Court has decided to -- our hope was by  
13 September 1 we thought we would get back to some measure of  
14 normalcy. That's not going to be happening. We are going to  
15 continue our use of three courtrooms for a single trial in  
16 both -- for both criminal and civil matters.

17 And so when we do have time to try your cases, it  
18 will have to be in one courtroom and we're going to have to  
19 worry about the number of people who might be in there, which  
20 is another reason I was curious about how the plaintiffs'  
21 groups were going to try this matter.

22 So let's figure out the order in light of all of  
23 that. I took, and my office took, a stab at doing a chart of  
24 family groups and I'm going to do this slow because I'm going  
25 to read out numbers.

1 But it seemed to me that for the first several trials  
2 we ought to be looking at either 18 civil 555, 19 civil 972,  
3 20-368, and 20-1318. That's 18-555, 19-972, 20-368, and  
4 20-1318. That's Joe Holcombe, Claryce Holcombe, Scott, John  
5 Porter, and then EGH and PJH. There was other family members  
6 in there but I believe their claims have been dismissed, but I  
7 might be wrong about that. But that seemed to be one family  
8 grouping that made sense.

9 The other family grouping that perhaps made sense was  
10 19-953, 19-705, 19-506, 19-1481, and 19-1301. These are all  
11 19, 2019 cases. 953, 705, 506, 1481, and 1301. That's Kip  
12 and Julie Workman, Colbey, Kris, Kyle, Morgan Harris and Eevee  
13 Workman. That seemed to be the next logical grouping.

14 Let me stop there. With that, let me hear from the  
15 plaintiffs' group. Does that kind of ordering make sense or  
16 not, or are you proposing something different? And I know  
17 there was an issue about regrettably elderly plaintiffs  
18 passing away before we could complete this.

19 In light of that concern, does this suggestion make  
20 sense, Mr. Alsaffar?

21 MR. ALSAFFAR: Thank you, Your Honor.

22 And the reason why we have concerns about breaking up  
23 the trial into, I guess minitrials with different collective  
24 families, is I actually think that will increase the time it  
25 takes to do it and increase all the costs as well

1 unnecessarily.

2           And here's why, Your Honor, is we worked very hard on  
3 the plaintiffs' side and I believe on the defendant's side as  
4 well months ago or more than months ago when we designated our  
5 trial experts and our damage experts.

6           And what I mean by that, Your Honor, is we tried very  
7 hard to group as many of the plaintiffs, regardless of the  
8 relationships with each other, through the same experts.

9           So for example, in your two carved-out families that  
10 you just listed for us, that would require us to call the same  
11 experts multiple times every time the different one is set up.  
12 And that's true for a collection of three or four experts.

13           And that's also true for the defendant. That would  
14 increase their costs as well because they have tried to follow  
15 the same model we did in making it more economical through the  
16 damages side of the case.

17           So that's what will be happening, and that's why, you  
18 know, while we appreciated the suggestion of the government we  
19 saw that as a real issue, that we actually think is going to  
20 increase the time to do this, as well as the costs.

21           You know, and to answer your original question, what  
22 is our plan initially, unlike in the liability phase we --  
23 both sides have come to an agreement, subject to the Court's  
24 approval of course, that, you know, we ought to put time  
25 aggregate, not individual witness time, sort of aggregate time

1 elements on each side, and that would help us really focus on  
2 how to get through the trial.

3 And based on some agreements that actually we have  
4 gotten into in the last week, we're really narrowing down both  
5 the plaintiffs, the live plaintiffs and the expert witnesses  
6 that we need to call. And I think that if we have those  
7 aggregate time limits put on it, based on the model, I mean,  
8 about a month trial, then I think we can accomplish that.

9 You know, part of this too Your Honor is we don't --

10 THE COURT: Let me stop up here, just to make sure I  
11 understand what you are saying. So then what you are  
12 proposing is continuing the consolidated matter but do you  
13 envision an ordering of plaintiffs, and if so what would be  
14 that order?

15 MR. ALSAFFAR: So, yes, Your Honor, of course, we're  
16 envisioning a consolidated matter. This case has been  
17 consolidated and we've been able to work within those  
18 constraints and we think so we can do so here.

19 Secondly, in terms of the order of the plaintiffs,  
20 you know, our view of how those cases should be presented is  
21 that we should start with the people that, you know, the  
22 people that were in the church.

23 It's going to be very important for you as the finder  
24 of fact, Your Honor, to understand for determining damages and  
25 certain elements certainly of the damages what was happening

1 and what the people were going through.

2           So it makes sense to start with the folks in the  
3 church. And obviously, Your Honor, there are a lot of  
4 different families from different cases that were there at the  
5 time.

6           And then transition to making sure we present the  
7 evidence of the estate claims, the folks that died, so that  
8 you can hear that testimony.

9           And then moving on to the serious injured and the  
10 others that were injured in the trial.

11           So it's a very orderly way of presenting the evidence  
12 so that you get the story as it happened and it makes more  
13 sense from the damages perspective in terms of understanding  
14 the elements, but with that, you know, obviously we have a lot  
15 of families who are going to be mixed into those groups,  
16 right?

17           So you're going to have some of the Holcombe family.  
18 You're going to have some of the Workmans, and the Wards, and  
19 the Vidals that would be the folks in the church that could  
20 tell you what happened. And the same with the other elements  
21 as well.

22           So in terms of going through the trial, it makes more  
23 sense to do it that way. And then, you know, it will be  
24 incumbent on us to make sure that we organize and have all  
25 those witnesses ready, which I don't think will be an issue



1 for us.

2           And then the second point, Your Honor, and I want to  
3 make sure it's clear because I know it can seem a little  
4 confusing. Along those same lines, if we did, just so you  
5 understand what I was talking about in terms of the experts,  
6 so for, you know, the life care plan experts, the economists,  
7 and the neurologists, et cetera, that are talking about  
8 damages for those that survived and suffered injuries, you  
9 know, a life care planner for the plaintiff who saw someone in  
10 the Holcombe family and someone in the Workman family and  
11 someone in the Vidal family and the Brown family, et cetera,  
12 that one witness would then have to be called on four or five,  
13 six different times as an expert witness.

14           That doesn't seem to make as much sense as working  
15 towards a plan, which Mr. Dingivan and I are getting closer  
16 and closer to, where we can just make a select — a selection  
17 of which plaintiffs for those experts make the most sense for  
18 you to hear live and get through those.

19           But it makes it a little harder if we have to say,  
20 okay, Mrs. Expert, you have to be available both on this week,  
21 and then you have to be available the second or third day of  
22 that week, and then two weeks from then as well, et cetera, if  
23 we are doing the minitrial multiple-trial approach.

24           THE COURT: Mr. Dingivan, your thoughts?

25           MR. DINGIVAN: Yes, Your Honor.

1           The reason I originally proposed a minitrial was  
2 along the lines I think of what you thought was that in  
3 reality when you look at these plaintiffs as a whole, they  
4 sort of break down neatly into family groups that are  
5 generally represented by a single sort of attorney.

6           I can supplement to the Court the breakdown I had. I  
7 had it down to five sort of minitrials, each with, you know,  
8 the Holcombe family as represented generally speaking by Miss  
9 Strahan as their primary attorney; the Workman family with  
10 Mr. Reynolds; the Braden family with Mr. Demerath.

11           So it does break down nicely. And moreover, though,  
12 Mr. Alsaffar raises a good point, that these experts would  
13 have to come multiple weeks. Each sort of family group,  
14 generally speaking, is represented by a single lead counsel,  
15 and therefore has the same expert. You know, the same life  
16 care planner saw basically all the Holcombes. The same  
17 psychologist saw basically all the Holcombes.

18           So while we can definitely come to agreement in the  
19 future, Mr. Alsaffar and I, about where the targeted points of  
20 disagreement are for each minitrial, I don't think that  
21 conducting this in a minitrial would substantially increase  
22 the time involved.

23           You know, I recognize his concern about bringing  
24 people back and forth and back and forth, even though it's not  
25 even clear at this point, given the pandemic situation, that

1 people are going to be traveling. Most of their experts are  
2 local. Ours are the ones, generally speaking, who are not  
3 local and, you know, we're willing to travel back and forth as  
4 need be.

5           And also, since it's all one trial, though, it would  
6 be broken up into different phases. I think, you know, there  
7 is a reasonable possibility that we could have each expert  
8 sort of discuss general methodology once, and then have them  
9 come back and talk about individual plaintiffs as necessary,  
10 you know, over the course of various other sort of subsequent  
11 minitrials.

12           So I thought logistically, you know, this was  
13 honestly before, Your Honor, that I was aware that Mr.  
14 Alsaffar even had one month in mind. I, frankly, was  
15 surprised that was -- his estimate was that low. I was  
16 expecting six to eight weeks total, so I thought the  
17 minitrials, breaking them out, sort of could keep all of our  
18 sanity over, you know, five two-week minitrials, as opposed to  
19 one ten-week megatrial.

20           That was the thought process behind my original  
21 proposal and I do think it works out well. I think we can  
22 still make this as economic and judicious as possible, even if  
23 we were to go through the minitrial model.

24           THE COURT: So thank you. So it appeared that  
25 Mr. Alsaffar was leading me to believe you-all had reached

1 some kind of an agreement actually, but, no, that's not the  
2 case.

3 MR. DINGIVAN: No, Your Honor, not to the specific  
4 framework of the deal. We are -- or the specific framework of  
5 the trial.

6 We are reaching agreements, though, within that  
7 framework. So whatever framework the Court decides, we will  
8 ultimately be able to, I think, reach a series of agreements  
9 about what evidence is going to be admitted without objection,  
10 what stipulations are available to damages for certain  
11 plaintiffs.

12 You know, we obviously had our own life care planners  
13 and our own economists examining these files. And I can tell  
14 you, Your Honor, their answers obviously aren't zero. So  
15 we'll be able to stipulate in many instances to certain  
16 damages categories.

17 You know, and in alternatives to live testimony as  
18 well. I think we'll be getting there as well so we can  
19 present testimony by a deposition in place of live testimony.

20 I think, regardless of what format the Court ends up  
21 deciding, there are still going to be stipulations that we can  
22 agree to, to streamline this case.

23 THE COURT: So Mr. Alsaffar, the difficulty I'm  
24 having with your proposal, and why I'm sort of leaning with  
25 the government proposal, is, one, in light of the continuing

1 COVID issue, I can't very well infringe on my colleague's  
2 cases by taking up one of the courtrooms that will be  
3 necessary for the courtroom sharing plan that we've developed  
4 and put it out of operation for four to six weeks and just  
5 keep holding up my colleagues.

6           So that would be unfair to the other litigants, you  
7 know, that have cases here that want a trial. So that's one  
8 difficulty I'm having.

9           The second difficulty is, as I think about what the  
10 appropriate amount of damages should be, it just -- trying  
11 everybody rather than family units, at least in family units I  
12 can get a better understanding especially when it comes to the  
13 mental anguish claims of just what might be appropriate under  
14 certain circumstances.

15           Lumping everybody in one huge megatrial, I think is  
16 going to make that job a whole lot harder on me about what is  
17 the appropriate amount of mental anguish rather than leaning  
18 towards just kind of a formal application of, okay, you're a  
19 bystander, you get this.

20           Your response.

21           MR. ALSAFFAR: And Your Honor, we certainly share  
22 your concerns with this unique situation. Part of this is  
23 trying to figure out how much time we'll actually have to do  
24 it.

25           But let me address your main concern about sort of

1 understanding each family's damages. And I think that that's  
2 just incumbent on us with understanding what your concerns are  
3 to then present the trial in that way.

4           We can do that without having to — what my  
5 understanding of the government's proposition is, having  
6 minitrials that are essentially we're going to be spreading  
7 these out over many months and well into the next maybe sounds  
8 like well into the next year, versus if we have this set on a  
9 consecutive format, I think it will, based on our  
10 conversations that we've had so far, as of today, or  
11 yesterday, you know, we were able to knock off 14 experts that  
12 don't need to be called, and so that's progress because the  
13 reports are going to be admitted and there's a lot of  
14 agreement on those.

15           And so we're getting now to a point where we're also  
16 getting agreements on what plaintiffs can be presented by  
17 deposition and which ones are live. So we're starting to  
18 really crunch those numbers.

19           And with that happening and knowing that listening,  
20 it would be beneficial for you to hear the evidence in a  
21 certain way, meaning more family groups, then we can present  
22 it that way without having large gaps going well into the next  
23 year and then having to call the same expert multiple times,  
24 which, to me, seems contrary to the point of having all the  
25 reports entered, if, you know, the whole point of that is to

1 make that more efficient.

2           So Your Honor, if it would be beneficial to you,  
3 which is important for us to know, to have certain family  
4 groups presented together to make it easier for you to do your  
5 allocation, we can do that without the need to then take weeks  
6 or however breaks, if we have a time that both parties agree  
7 should be imposed on it, then we can figure out, okay, for  
8 this family, this is how much time we need, and we'll present  
9 those.

10           And then we'll move to the next one and then present  
11 it that way. So it will be easier for you to allocate.

12           And we can do that without needing to break up trial  
13 dates or move to different courtrooms or any of that, as long  
14 as we know that's the preference that the Court prefers and we  
15 can do that without having to take, say, six months or so, or  
16 however long it will take to do these broken up trials.

17           THE COURT: So let me ask the question this way. Are  
18 the plaintiffs' groups all now ready for damage trials, or is  
19 there still remaining discovery that needs to be completed?

20           MR. ALSAFFAR: We're ready, Your Honor.

21           THE COURT: And what about the government?

22           MR. DINGIVAN: Your Honor, there's still one more  
23 deposition that I'm aware of scheduled for August 27. It is  
24 an expert deposition.

25           So that's sort of a big, one big — within the scope

1 of this trial, everything is, you know, relative, but it is  
2 one big issue that still remains out there. That is one issue  
3 related to one discrete family group.

4 And so that's, you know, again, that goes back to why  
5 I think the minitrials would be successful is because you  
6 could take care of these issues sort of, you know, in order of  
7 their readiness.

8 But to answer Your Honor's direct question, is  
9 there's a little bit of discovery left with that deposition  
10 scheduled for August 27th, but I don't believe we have  
11 anything else on the books at this moment.

12 MR. ALSAFFAR: That's it, Your Honor.

13 And Mr. Dingivan is right. It's just one. And it  
14 was long ago planned. But there's no other. I mean,  
15 discovery is closed and we've gotten what we need to do, save  
16 for that one that's already been set to get completed for one  
17 individual, relates to one plaintiff I believe.

18 THE COURT: So I mean, I can make arbitrary rulings,  
19 or you-all can continue to try to work together. You and  
20 Mr. Dingivan seem to be cooperating here.

21 MR. ALSAFFAR: We are.

22 THE COURT: So in terms of just -- this is not an  
23 order, but in terms of just broad guidance, I could try to do  
24 this, all the damages plaintiffs in October, November, and the  
25 first two weeks of December.



1           Within that time frame, I would like to group this as  
2 much by families as possible so I can have a good sense of  
3 what appropriate mental anguish has been suffered by family  
4 groups, as opposed to me defaulting to some arbitrary  
5 application of a formula. So that would be my preference.

6           Within that October, November, first two weeks of  
7 December framework, there would be breaks. One, I need from  
8 you-all sort of a proposal of dates of when you see logical  
9 stopping and starting points, but I'm going to have to consult  
10 with my colleagues' calendars to figure out how this might  
11 impact that master calendar that we have going on here.

12           And so that's the broad guidance that I'm giving you  
13 right now. Do you need more guidance?

14           Mr. Alsaffar.

15           MR. ALSAFFAR: Your Honor, if I could, and I think  
16 what we're trying to get a sense of is, honestly, your  
17 calendar. That will be very helpful.

18           So when you say that you have October, November, and  
19 the first two weeks of December, if we understood a little  
20 more, and I know this may not be our right to ask, but if we  
21 could understand a little more about what that time — is it  
22 one week in October? Is it the whole month of October? Is it  
23 three weeks, et cetera? And then November, for the same.

24           And if we were given broad, okay, here's the time  
25 you're going to have available to get this done, guys, figure

1 it out, figure out how you're going to do that, I think  
2 actually that would be very, very helpful.

3 We're a little bit in working in a vacuum because we  
4 just don't know how much time Your Honor has and I know you  
5 don't have a lot.

6 THE COURT: Right.

7 MR. ALSAFFAR: So we're trying to be cognizant of  
8 that.

9 So if we knew, listen, October is going to be two  
10 weeks, and then we have to have a break, and then there would  
11 be two or three, or however long in November, then I think we  
12 could say, okay, we know how many hours in a day, how many  
13 real trial hours.

14 You know, we've already been with Your Honor and I  
15 felt like the liability phase was handled very efficiently and  
16 hit targets much shorter than some expected, and that we do  
17 the same on the damages phase, if we knew what the parameters  
18 were, because we know how many hours a day we're probably  
19 likely going to get of real trial time, if it mirrors what  
20 happened with the liability phase, and we can actually sit  
21 down with pen and paper and say, okay, well, if we have X  
22 number of witnesses, and five to six hours a day, and five  
23 days a week, okay, Mr. Dingivan and I have to sit down and go,  
24 all right, here's what we are going to do, we cannot put a  
25 witness on for three or four hours, right?

1           We are going to have to actually allocate time  
2 accordingly if we know what that time is. That would be very  
3 helpful, Your Honor. I don't want to speak for the  
4 government, but I think for our side I think that would be  
5 helpful.

6           THE COURT: So in terms of broad guidance right now,  
7 I can tell you there is a whole bunch of stuff on the calendar  
8 I will have to move around, but I will. October 4th is  
9 available, the week of. The week of October 11 is available.

10          THE DEPUTY CLERK: Judge, I'm sorry to interrupt, but  
11 there's a one-day bench trial scheduled for October 12th.

12          THE COURT: Yeah, I know, I saw that. I might have  
13 to get some other judge to try to do that or something, but  
14 I'm trying to make this work. But thank you for that.

15          Do let me know if I'm messing up again though here.

16          Then again, a whole bunch of stuff would need to be  
17 moved around but I could make my calendar work for November,  
18 the week of November 1, as well as the week of November 8th,  
19 but that Thursday is a federal holiday and so the building  
20 will be closed but that week is good.

21          And then it would have to be partial weeks in  
22 November, the 15th and 16th are good dates, and the 22nd and  
23 23rd would be good dates. The week of the 29th is very good  
24 right now.

25          The week of December 6th is good. I could do the

1 first three days of December 13th, 14th, and 15, but after  
2 that we are moving the courthouse to the new courthouse  
3 facility, and so this place and the other place will be a  
4 shambles for the rest of December.

5 So that's what that's looking like. And then the  
6 week of January 3rd in the new courthouse facility is good as  
7 well. Frankly, all of January 2022 is good for the exception  
8 of January 13th and 14th.

9 MR. ALSAFFAR: Your Honor, I think with the  
10 guidance -- Thank you, Your Honor, that's helpful, and I think  
11 with that guidance we ought to be able to get this done before  
12 you move to the new -- I guess it would be a temporary  
13 facility in the new facility. What I'm saying is before  
14 December is over.

15 THE COURT: Yeah. Literally there will be movers  
16 that 14th, 15th, and so...

17 MR. ALSAFFAR: Well, I think our goal should be to  
18 try to get it done before then and I think with that guidance  
19 we ought to be able to.

20 THE COURT: Now, so as you start planning for that,  
21 though, recall that I still have to visit with my other  
22 colleagues to see what kind of impact me using a courtroom  
23 will be having on the rest of the operations that they may  
24 have.

25 We were sincerely hoping for September 1 to resume

1 normal operations. That doesn't look like it's going to  
2 happen and I have no idea what's going to happen for October  
3 and November, and so that's beyond all of us.

4 Now, some miscellaneous questions that's coming up  
5 here.

6 19-1291, Donna White. Are there any claims or cases  
7 that can be severed or dismissed on that case? And if you  
8 can't answer now, you can just give me an advisory.

9 But I'm not sure about the claims of Patsy McCain,  
10 Guadalupe Rodriguez, and Jose Rodriguez. Do they need to be  
11 severed and dismissed, or what's going on there?

12 MR. ALSAFFAR: Yes, Your Honor. I believe those are  
13 the cases that we identified that were subject to dismissal  
14 because of their passings. If you don't mind, let me consult  
15 with the individual lawyers who represent those families on  
16 that, but I think it's right to point those out and to have  
17 those dealt with. I can provide an advisory to you within two  
18 days, if that's okay, Your Honor.

19 THE COURT: That's fine.

20 Okay. Before we conclude here, anything else that  
21 you think we need to take up at this time, Mr. Alsaffar?

22 MR. ALSAFFAR: Just checking my notes, Your Honor, on  
23 the joint status. No, Your Honor. I think we're okay for the  
24 plaintiffs. Thank you, again.

25 THE COURT: Mr. Dingivan.

1 MR. DINGIVAN: Yes, Your Honor, just one quick  
2 question.

3 I'm hoping, do you have any envision or any idea of  
4 sort of how long you envision these familial trials so that we  
5 know sort of how to break them up most appropriately? You  
6 know, is it your idea that we come up with this on our own, or  
7 if, you know, do you have in your mind, well, October 4th and  
8 11, let's get one whole one done then, or two, or do you have  
9 any idea at this point, Your Honor?

10 THE COURT: Well, I was hoping the two of you would  
11 come to some kind of an agreement. I mean, I have  
12 arbitrarily, and my staff has arbitrarily designed a family  
13 tree chart. I can impose that on you-all. I don't think  
14 that's the best way to handle this.

15 MR. DINGIVAN: I think Mr. Alsaffar and I can come to  
16 that agreement. We'll make it work.

17 MR. ALSAFFAR: Yeah, Your Honor. And I will tell  
18 you -- I'm sorry, Your Honor, if I may. I didn't mean to  
19 interrupt you.

20 THE COURT: Go ahead.

21 MR. ALSAFFAR: I will tell you that Mr. Dingivan and  
22 I are working very well together. We've known each other for  
23 some time and we have worked on this case a lot, and we are  
24 almost every other day in contact trying to streamline things  
25 and do what's making sense.

1 I think we can do that for you, especially with the  
2 guidance that Your Honor provided us today. It's very helpful  
3 for us actually so that we can say, okay, we have a little bit  
4 better idea, we have a calendar now. That's going to help us  
5 immensely, Your Honor.

6 And if you would like for us within a certain time to  
7 follow-up with another update, I think that would be help --  
8 we can do that and provide some clarity on what it's going to  
9 actually look like.

10 THE COURT: Yeah. Now, to the extent you can  
11 accommodate me, my daughter has a White Coat Ceremony at  
12 Massachusetts General Hospital on October 28th. I would sure  
13 like to be there, which would take me out the 27th, 28th, and  
14 29th.

15 MR. ALSAFFAR: Congratulations.

16 MR. DINGIVAN: We can make that work.

17 MR. ALSAFFAR: We can make that work absolutely.

18 THE COURT: Appreciate that.

19 So now, if for some reason your cooperation breaks  
20 down, give me an advisory, let's say, in ten days about how  
21 you intend to go forward. If there's discrete issues that you  
22 can't agree with and what resolution, point out to me each  
23 party's perspective on the disagreement and then I'll  
24 intervene at that point.

25 Now, just to give everybody a heads-up on what I'm

1 going to be doing, just for admin purposes, the Civil Justice  
2 Reform Act, I call it the "bad boy list," that shows cases  
3 more than three years old will hit me in September.

4 I'm going to administratively close all these cases,  
5 and then when I get your advisory in ten days, I will reopen  
6 and that will clear my list. No one freak out that your case  
7 is going to be dismissed. This is just an admin procedure for  
8 me to clear that list.

9 MR. ALSAFFAR: Thank you for giving us -- I think the  
10 plaintiffs probably needed that notice more than anything, so  
11 I appreciate the heads-up.

12 THE COURT: Okay. Last call, Mr. Alsaffar, anything?

13 MR. ALSAFFAR: No, Your Honor.

14 THE COURT: Mr. Dingivan?

15 MR. DINGIVAN: No, Your Honor.

16 THE COURT: Okay. I'll look forward to your advisory  
17 in ten days.

18 I want a staff meeting with my own staff, so if  
19 everybody else can drop.

20 MR. ALSAFFAR: Thank you, Your Honor.

21 MR. DINGIVAN: Thank you, Your Honor.

22 *(Concludes proceedings)*

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2 I certify that the foregoing is a correct transcript from  
3 the record of proceedings in the above-entitled matter. I  
4 further certify that the transcript fees and format comply  
5 with those prescribed by the Court and the Judicial Conference  
6 of the United States.

7  
8 Date: 07/18/22

/s/ *Gigi Simcox*  
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